

Message

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**From:** Dennis, Allison [Dennis.Allison@epa.gov]  
**Sent:** 1/12/2021 5:33:07 PM  
**To:** Rosen, Bailey [Rosen.Bailey@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]  
**CC:** Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Mills, Madeline [Mills.Madeline@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Fischer, David [Fischer.David@epa.gov]  
**Subject:** Request for Alex Input: E&E Interview

+ others for awarness

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**From:** Rosen, Bailey <Rosen.Bailey@epa.gov>  
**Sent:** Tuesday, January 12, 2021 11:59 AM  
**To:** Dunn, Alexandra <dunn.alexandra@epa.gov>  
**Cc:** Dennis, Allison <Dennis.Allison@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>  
**Subject:** E&E Interview

Hello Alex,

Below you will find an interview request from Ev Crunden of E&E News. I have pasted five of their most recent articles below. Allison, Cheryl and I have reviewed some of Crunden's work and we have concerns about the more sensational, attention-grabbing headlines. Some of the reporting is relatively balanced but we think there may be reason to believe that parts of this reporting may be skewed (ex. Crunden did not reach out to us for comment for 1,4-D article).

Please let us know your thoughts, thank you very much!

Bailey

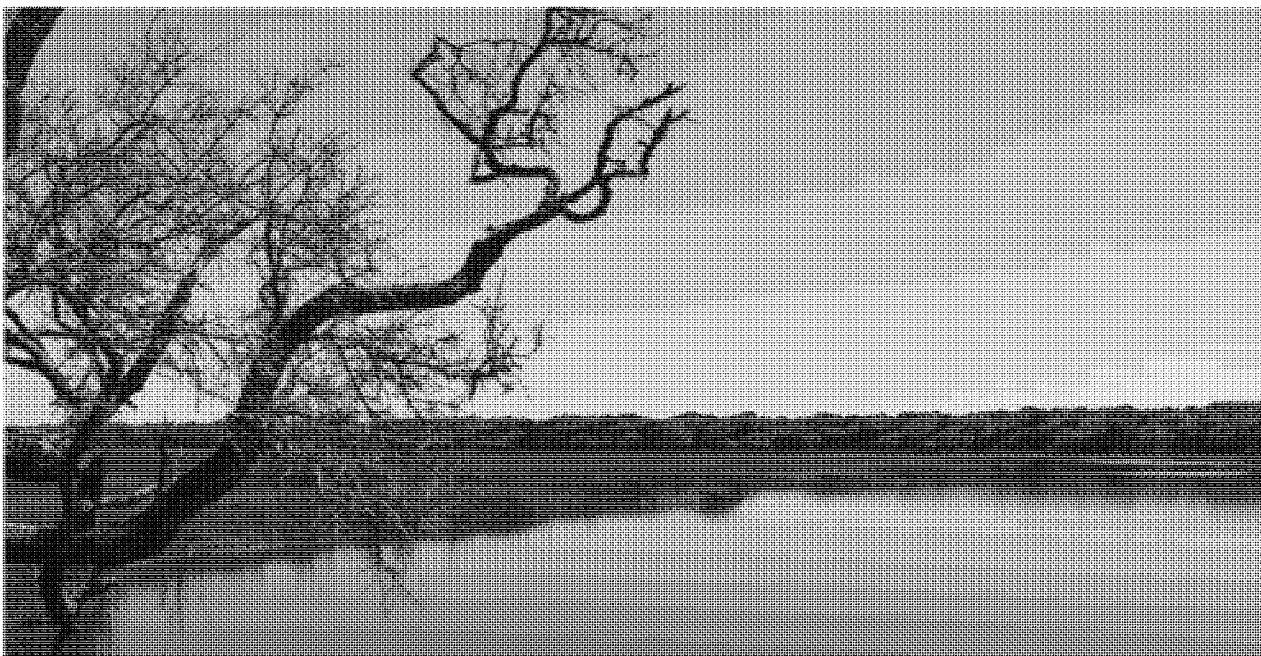
## CHEMICALS

# EPA hands PFAS manufacturer a win

E.A. Crunden, E&E News reporter

Published: Monday, January 11, 2021

<https://www.eenews.net/greenwire/stories/1063722217>



PFAS contamination has been found in the Cape Fear River in North Carolina. Greg Duckworth II/Flickr

A top chemicals manufacturer secured a win last week from EPA over a controversial family of nonstick toxins — a late-stage victory under President Trump as the more regulations-friendly Biden administration prepares to take the reins of power.

Late Thursday night, EPA turned down a request from several North Carolina groups petitioning the agency to require that Chemours Co. provide health and environmental data on 54 per- and polyfluoroalkyl substances (PFAS) at the DuPont spinoff's production facility in Fayetteville near the Cape Fear River. The organizations argued that those chemicals pose a reasonable risk to people and the environment under the Toxic Substances Control Act (TSCA).

But EPA said in its Jan. 7 decision that the groups had failed to prove the data was necessary.

"The denial is not based on lack of concern with PFAS," EPA's rejection states, while going on to argue that the petitioners did not provide "the facts necessary for the Agency to determine for each of the 54 PFAS that existing information and experience are insufficient and testing of such substance or mixture with respect to such effects is necessary to develop such information."

Alexandra Dunn, assistant administrator for the Office of Chemical Safety and Pollution Prevention, said in a letter that the petitioners have a right to appeal the agency's denial within 60 days. The six groups are the Center for Environmental Health, Cape Fear River Watch, Clean Cape Fear, Democracy Green, the North Carolina Black Alliance and Toxic Free North Carolina.

#### *Advertisement*

In a collective statement, the groups said they would "use all means available to reverse the petition denial." La'Meshia Whittington, campaign director for the North Carolina Black Alliance, called the decision "preposterous," while Clean Cape Fear co-founder Emily Donovan accused EPA of "lying" to North Carolinians and other communities grappling with PFAS contamination.

"We call upon the incoming Biden Administration to reconsider this petition and hold Chemours accountable for the risks it took with human health and the environment," said Center for Environmental Health CEO Michael Green.

Thom Sueta, a spokesperson for Chemours, said the company was pleased with EPA's decision.

"The petition failed to establish any of the factors required under TSCA to support the proposed action," Sueta said, adding that several of the compounds in the petition have "no known connection" to the Fayetteville site. Moreover, Sueta said it would be hard to test for many of the chemicals, or to manufacture the volumes required for testing. He also defended the company's commitment to assisting in PFAS-related efforts.

"The numerous actions we have taken to reduce PFAS emissions and address remediation needs continue to make a significant difference in reducing loadings to the Cape Fear River," Sueta said.

EPA's decision comes amid a rapidly changing landscape for PFAS manufacturers. Lawsuits have mounted in recent years over the health and environmental risks associated with the chemicals, several of which have been linked to cancer. Some states have moved quickly to crack down on PFAS, setting water standards and scrutinizing items that contain the chemicals, like firefighting foam and food packaging.

At the federal level, similar moves might accelerate quickly under President-elect Joe Biden, who has pledged to regulate the chemicals through means including drinking water standards and Superfund law.

Anticipation of how the Biden administration will approach PFAS has already led to shaky waters for manufacturers, as has the prospect of a Democratic Senate majority. Last week, an analyst **downgraded** the PFAS manufacturer 3M Co. from "neutral" to "underperform," citing the new Senate majority as a reason.

Local groups are optimistic that the transfer of power will yield a sea change. Multiple advocates in North Carolina said they plan to push the administration on PFAS. Many also hope they will have an ally in Biden's pick for EPA administrator, Michael Regan, who has served as North Carolina's top environmental official. In that role, he has been active in PFAS fights with Chemours (*Greenwire*, Dec. 18, 2020).

A **sign-on letter** from Clean Cape Fear is in circulation to garner more support for the rejected petition, with plans to eventually submit it to the Biden administration.

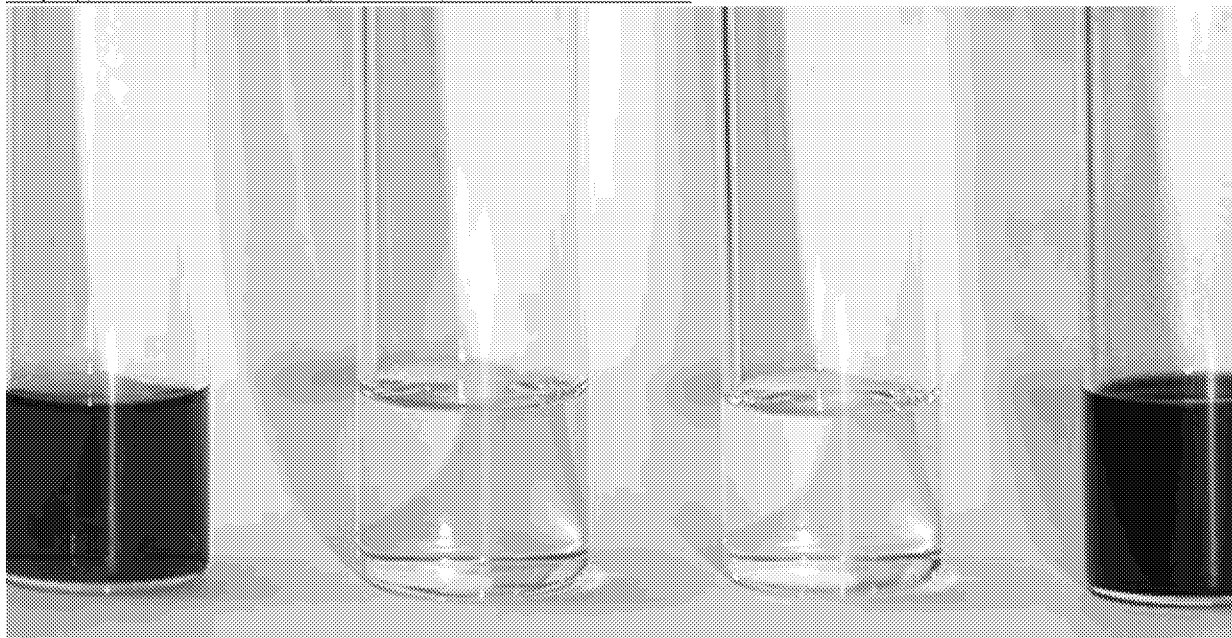
## CHEMICALS

### Science rule impact on PFAS, toxics regulation spurs concern

E.A. Crunden, E&E News reporter

Published: Wednesday, January 6, 2021

<https://www.eenews.net/greenwire/stories/1063721919>



A new rule from EPA on scientific data could have an impact on chemical regulations. UicheM/Wikimedia Commons

A controversial new rule limiting EPA's use of scientific data could have sprawling implications for chemical regulations, including efforts to crack down on "forever chemicals."

Multiple experts, advocates and industry members say the Strengthening Transparency in Regulatory Science rule, finalized yesterday, will affect the agency's regulatory approach to toxins. Dubbed the "secret science" rule, the new action gives more weight to studies with data publicly available regarding a toxin's or pollutant's impact on public health, or "dose-response" studies.

Members of the chemical industry maintain the rule will improve the quality of the science EPA relies on. Critics worry it will hinder the agency's ability to keep the public safe and take action on chemicals of concern, including per- and polyfluoroalkyl substances (PFAS).

"The way this rule would function, it would down-weight a lot of human health studies," said Genna Reed, lead science and policy analyst for the Union of Concerned Scientists, noting the rule requires EPA to give nonpublic scientific studies "lesser consideration."

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One of the most contested proposals of the Trump administration's tenure, the rule has been touted by EPA as a transparency measure. An initial draft spurred an onslaught of public comments.

In announcing the final rule, EPA Administrator Andrew Wheeler said the agency had "listened to the concerns" people raised and pushed back on criticisms.

"There is no study that will automatically be cut out from review going forward," Wheeler said ([\*Greenwire\*](#), Jan. 5).

Opponents maintain the reality is more complex and say the rule will impose harsh parameters around the work of researchers and scientists. "We are not happy with this new rule," said Liz Hitchcock, director of Safer Chemicals, Healthy Families, calling it "costly and unnecessary."

Any immediate impacts on chemical regulations remain to be seen, but experts speculated the rule could have implications for several issues, including PFAS. Those common nonstick chemicals have been found all over the world, and significant data on their impacts, including cancer risks, comes from health studies covered by privacy regulations.

President-elect Joe Biden has pledged to prioritize regulating PFAS through mechanisms like setting a maximum contaminant level (MCL). Several experts said the new rule could hinder such efforts.

"A number of the studies that have been done on PFAS are from different countries," said Betsy Southerland, a former longtime EPA official. "None of them are going to feel the need to make all of their raw data publicly available."

Reed of the Union of Concerned Scientists similarly expressed concern about the rule's implications for PFAS and said it could hinder EPA's ability to set an MCL. She pointed to data collected in and around Parkersburg, W.Va., where residents were exposed for years to PFOA — one of the most studied PFAS — from DuPont's Washington Works plant. Those findings have played a major role in understanding the impacts of PFOA on human health.

"[That study] definitely would be one of the types of studies that would come into question," Reed said.

#### Mixed reactions and long-term fallout

The rule holds notable implications beyond PFAS. The office of Sen. Tom Carper (D-Del.) has highlighted that studies used in making assessments around COVID-19 surface disinfectants could be impeded.

And while Wheeler emphasized the new rule would not be retroactive, several critics worried about implications for chemicals like lead. Much of the research and data around lead and human health comes from older studies that cannot be replicated in a modern environment. While the EPA administrator can grant exemptions under the rule if a study "is really fundamental to a regulation," opponents remain worried.

"It puts more burdens on researchers," said Reed. "It could really hinder types of work that could be done."

Industry heavyweights struck a very different tone. Jon Corley, a spokesperson for the American Chemistry Council, said the new rule "will strengthen EPA's regulatory process by helping ensure that it is relying on the best available science." The trade organization [submitted comments](#) in 2018 in favor of the rule.

The Competitive Enterprise Institute, which hosted the rule's announcement, offered similar praise.

"The final rule makes significant incremental improvements in the way scientific studies are used in the regulatory process," said CEI's Center for Energy and Environment Director Myron Ebell, adding, "There is immense public support for more transparency in government."

Opponents of the rule hedged on how quickly it could be undone by the Biden administration, with most declining to speculate on how feasible it might be to swiftly scrap the action. Wheeler has argued the rule cannot be undone by the Congressional Review Act, something Democrats have disputed (*E&E Daily*, Jan. 6).

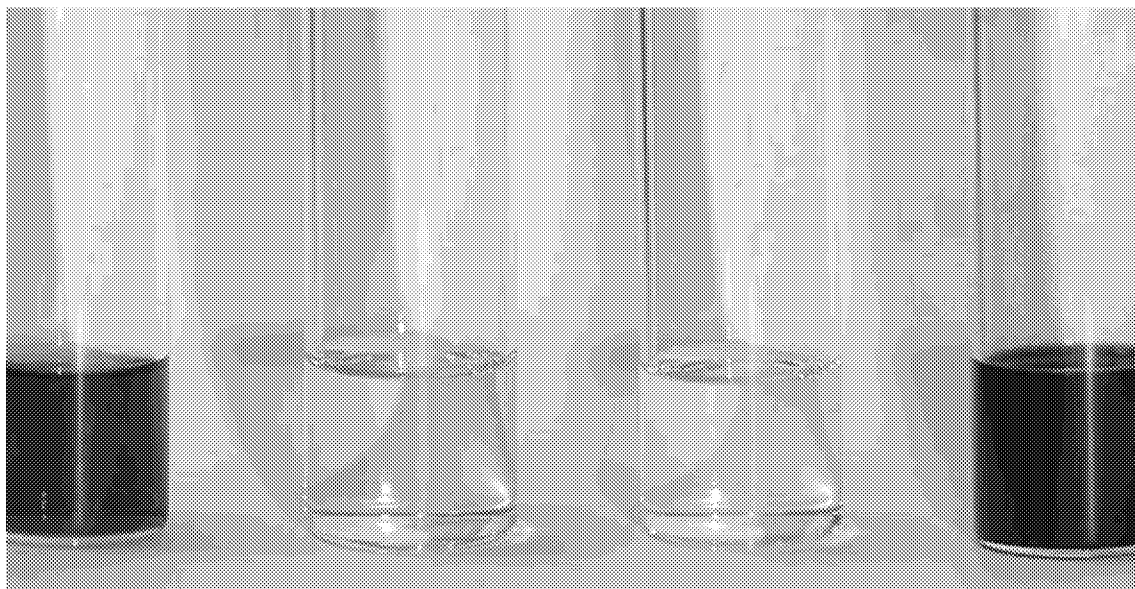
## CHEMICALS

### EPA finds possible carcinogen poses no harm to public

E.A. Crunden, E&E News reporter

Published: Monday, January 4, 2021

<https://www.eenews.net/stories/1063721689>



EPA issued its 1,4-dioxane risk evaluation. LHChem/Wikimedia Commons

EPA marked the last day of 2020 with a controversial announcement, finding few unreasonable risks associated with a common chemical solvent classified as a likely carcinogen.

In its **final risk evaluation** for 1,4-dioxane, EPA determined no unreasonable risks exist for the environment, consumers and bystanders, or the general population. The agency reviewed 24 conditions of use, including manufacturing, processing, disposal, industrial and commercial uses, accounting for the chemical's presence in items like arts and crafts materials and dishwashing products.

EPA did find reasonable risks for workers from 13 conditions of use for 1,4-dioxane, including both workers in direct contact with the chemical and those nearby. In its explanation of findings around work hazards, EPA said it "assumes compliance with OSHA requirements for protection of workers" and that employers will provide personal protection equipment.

Primarily used as a solvent, 1,4-dioxane has been reportable under the Toxics Release Inventory since 1987 and was one of the first 10 chemicals singled out for review under the overhauled Toxic Substances Control Act (TSCA). It is designated as hazardous under the Clean Air Act, as well as federal Superfund law, and is listed on the Safe Drinking Water Act's Candidate Contaminant List.

In releasing the final risk evaluation, EPA said it exercised its rights under TSCA to exclude uses of 1,4-dioxane generated as a byproduct in manufacturing, as well as commercial and industrial uses. The agency said the chemical's use as a process solvent falls outside of TSCA's definition of a chemical substance in those instances.

The release of the final risk evaluation for 1,4-dioxane so late in the year reflects EPA's delay in completing assessments for the first 10 chemicals to be addressed under the new TSCA. The agency said last summer it would not meet its original deadlines for the chemical evaluations, meant to be completed last June. Those evaluations sped up as the year drew to a close. In the last days of 2020, EPA also said it would restrict uses of the solvent n-methylpyrrolidone, or NMP, in addition to releasing the 1,4-dioxane evaluation.

EPA released a supplemental analysis for the 1,4-dioxane draft risk evaluation in November, adding some consumer uses to its scope. The additions included items like household cleaning products and surface cleaners. Environmental groups have speculated the agency included those items due to industry pressure, as groups like the American Cleaning Institute and the Consumer Brands Association pushed for the expanded scope (*E&E News PM*, Nov. 19, 2020).

States like New York have increasingly looked to crack down on 1,4-dioxane due to drinking water contamination (*Greenwire*, July 31, 2020). Critics of the Trump administration say the industry push for an expanded evaluation from the federal government is an attempt to cut off more intensive regulations at the state level.

In response to a request for comment, the Environmental Defense Fund said it submitted comments on the draft evaluation's supplemental analysis in December, arguing EPA rushed the process by allowing only 20 days for public comment.

At the time, EDF senior scientist Richard Denison highlighted the agency's decision to omit drinking water from its analysis. He also said the agency should have considered the risks for disproportionately impacted groups, like those living near sources of 1,4-dioxane releases.

"EPA has failed to analyze those groups that face greater risk due to greater susceptibility or greater exposure," Denison said.

In announcing the evaluation, EPA said it will now look to address the unreasonable risks found in the assessment.

"The Agency will work as quickly as possible to propose and finalize actions to protect against unreasonable risk," EPA said in a statement, noting potential actions might include "regulation of how these chemicals are used, limiting or prohibiting the manufacture, processing, distribution in the marketplace, use, or disposal of these chemicals, as applicable."

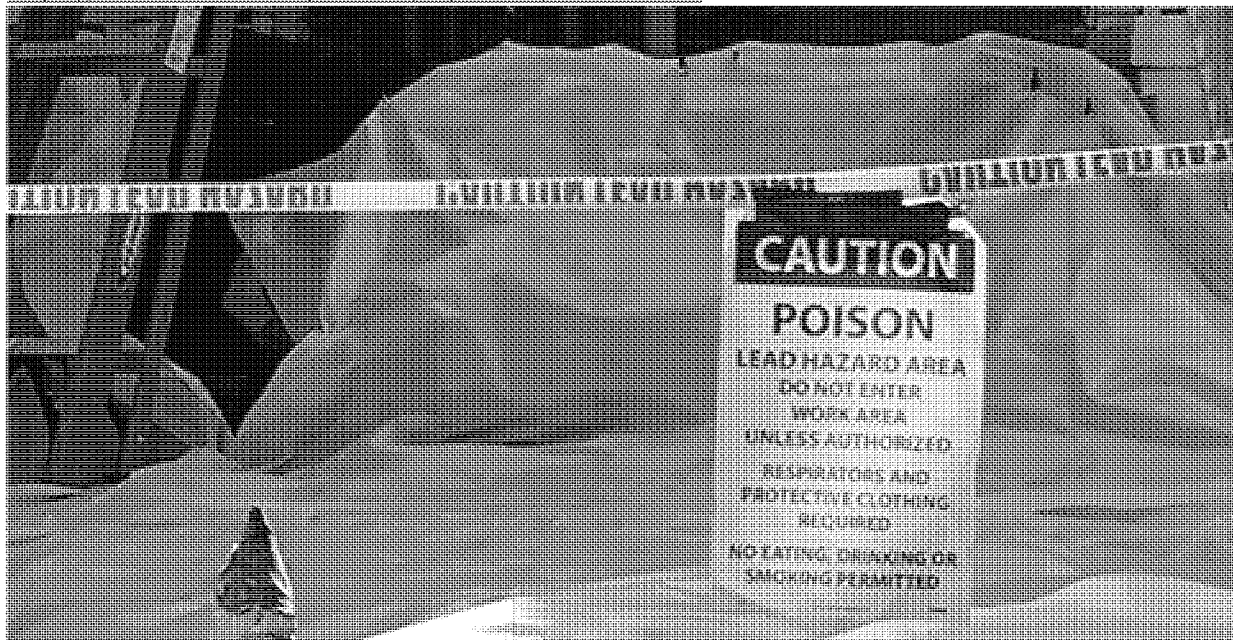
## CHEMICALS

### EPA tightens lead standards after years of resistance

E.A. Crunden, E&E News reporter

Published: Monday, December 21, 2020

<https://www.eenews.net/eenewspm/stories/1063721247>



EPA has lowered clearance levels for lead in dust on floors and windowsills following lead removal processes. Andrea Januta/Reuters/Newscom

EPA is issuing stronger regulations around lead to protect the health of children, after initially resisting calls to strengthen standards.

The agency today announced that it has finalized a rule lowering clearance levels for lead in dust on floors and windowsills following lead removal processes. Lead lingering in dust poses a major health hazard for children, particularly in homes built before 1978, which disproportionately used lead-based paint.

Once abatement actions are taken, EPA requires buildings to be tested and to meet clearance levels before they are deemed safe. Clearance levels under the new rule are now 10 micrograms of lead in dust per square foot for floor dust and 100 micrograms per square foot for windowsill dust. Prior levels were 40 micrograms and 250 micrograms for those areas, respectively.

EPA noted it is not revising dust lead clearance levels for window troughs at this time, and the new standards for floors and windowsills will not apply retroactively.

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In a statement, EPA Administrator Andrew Wheeler said children in low-income communities have been particularly vulnerable to "unacceptable levels of lead" in their homes.

"This overdue regulation is yet another example of the Trump Administration's commitment to reduce sources of lead exposure and to provide a healthier environment for our children," Wheeler said.

Housing and Urban Development Secretary Ben Carson similarly said he had "seen firsthand the devastating impact lead exposure can have" and applauded EPA for the move.

The Toxic Substances Control Act directs EPA to regulate lead-based paint activities. Dust lead clearance levels have not been changed since their issuance in 2001, even though lead-contaminated dust is a leading cause of elevated blood lead levels in children. That can cause damage to the brain and central nervous system, as well as lifelong developmental and behavioral issues. There is no level of lead exposure considered safe.

Public health groups petitioned EPA in 2009 to update its rules, but the agency stalled on doing so. In 2018, the 9th U.S. Circuit Court of Appeals ordered EPA to update its lead dust and lead-based paint standards, deeming the agency's delay to be illegal. EPA tightened risk levels for lead in dust in 2019 but did not strengthen clearance standards, a move slammed by environmental advocates (*Greenwire*, June 21, 2019).

This past October, federal judges again took the agency to task for failing to strengthen the clearance levels (*E&E News PM*, Oct. 27). EPA argued at the time the agency lacked the information to act on adjusting those standards.

The new rule announced today sets clearance levels in line with the risk threshold established in 2019.

## CHEMICALS

### EPA issues guidance on PFAS destruction, disposal

E.A. Crunden, E&E News reporter

Published: Friday, December 18, 2020

<https://www.eenews.net/eenewspm/stories/1063721125>



Fire suppression foam at Dover Air Force Base in Delaware. Greg Davis/Air Force

*This story was updated at 4:40 p.m. EST.*

EPA released interim guidance on the destruction and disposal of so-called forever chemicals, in a move likely to spark further controversy around how the agency has handled the issue.

EPA today announced the latest in a series of actions on per- and polyfluoroalkyl substances (PFAS) under the Trump administration's PFAS Action Plan. The new guidance outlines the current science available on techniques and treatments for dealing with PFAS — toxic chemicals associated with diseases like cancer.

EPA's guidance addresses a variety of media including aqueous film-forming foam (AFFF), which has been used by the Defense Department for fire suppression, as well as soil and biosolids, consumer goods like textiles, and landfill leachate. Also included are spent filters from PFAS water treatment, as well as solid, liquid or gas waste streams from facilities using or manufacturing PFAS.

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"With this interim guidance, EPA is providing important scientific information on available technologies that can assist with the destruction and disposal of PFAS," said EPA Administrator Andrew Wheeler in a statement.

Wheeler added that the guidance "is a critical part of our efforts to increase the understanding of PFAS and support our federal, state, tribal and local partners as we address these emerging chemicals of concern."

The agency presents three technologies deemed effective and commercially available: thermal destruction, and both landfilling and underground injection as disposal options. EPA acknowledges that "significant uncertainties" remain regarding potential migration of PFAS into the environment.

Regarding risks, EPA proposed interim storage of PFAS-laden waste until more effective technology is developed.

After that, the agency suggests permitted deep well injection limited to liquid waste streams, followed by placement in permitted hazardous waste landfills, or landfilling in a solid waste landfill. Hazardous waste combustors (including commercial incinerators) and other thermal treatments are the final recommendations.

The fiscal 2020 National Defense Authorization Act called for the guidance on PFAS disposal and destruction. EPA noted that the new guidance "is not intended to address destruction and disposal of PFAS-containing consumer products, such as non-stick cookware and water-resistant clothing."

PFAS have become a leading issue for the waste industry, which is grappling with their presence in landfills and incinerators, as well as in compost. They enter the waste stream through a wide range of products, like nonstick pans and dental floss. The presence of PFAS in biosolids has been particularly expensive, as municipalities have faced rising costs associated with PFAS in wastewater treatment plants.

David Biderman, president and CEO of the Solid Waste Association of North America, said via email that his organization is "reviewing the proposed Interim Guidance and is likely to submit comments in February 2021."

Environmental groups and some communities have been critical of approaches to PFAS waste disposal, particularly any plans to incinerate PFAS. Earlier this year, the Norlite hazardous waste incinerator in Cohoes, N.Y., came under fire when PFAS associated with AFFF incineration was discovered near the facility. Gov. Andrew Cuomo (D) signed a law last month barring AFFF incineration ([\*Greenwire\*](#), Nov. 25).

In a separate incident, EPA canceled a planned study on PFAS incineration meant to take place in Rahway, N.J., following significant public outcry from the local community ([\*Greenwire\*](#), Aug. 27). As part of its guidance, EPA notes potential impacts to "vulnerable populations," in acknowledgement of incidents like the one in Rahway.

Judith Enck, former administrator of EPA's New York-based Region 2, described the interim guidance as a "swing and a miss," saying the draft has "serious problems." She expressed concerns about EPA's proposed disposal and destruction methods, saying more research is needed on the risks associated with those practices.

"This report illustrates that EPA does not have that needed data," Enck said. "Consequently, environmental justice communities are at risk."

Olga Naidenko, vice president for science investigations at the Environmental Working Group, expressed similar concerns about the unknowns around risks stemming from PFAS disposal.



"Solving the PFAS disposal problem must include ending nonessential uses and PFAS discharges into the environment outright," she said. "EPA needs to do much more to address this and to stop the environmental injustice of PFAS contamination in communities near the disposal sites."

The White House Office of Management and Budget cleared the interim guidance on Tuesday. Today's posting kicks off a 60-day comment period.

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**From:** Dennis, Allison <[Dennis.Allison@epa.gov](mailto:Dennis.Allison@epa.gov)>  
**Sent:** Monday, January 11, 2021 3:18 PM  
**To:** Rosen, Bailey <[Rosen.Bailey@epa.gov](mailto:Rosen.Bailey@epa.gov)>  
**Subject:** Fwd: Possibility of nabbing Wright, Dunn for exit interviews?

Sent from my iPhone

Begin forwarded message:

**From:** "Labbe, Ken" <[Labbe.Ken@epa.gov](mailto:Labbe.Ken@epa.gov)>  
**Date:** January 8, 2021 at 1:04:57 PM EST  
**To:** "Dennis, Allison" <[Dennis.Allison@epa.gov](mailto:Dennis.Allison@epa.gov)>, "Colip, Matthew" <[colip.matthew@epa.gov](mailto:colip.matthew@epa.gov)>  
**Subject:** FW: Possibility of nabbing Wright, Dunn for exit interviews?

Hi All,

Please see inquiry below. E&E wants a possible interview with both Peter and Alex. Can you pls let me know their availabilities?

Thanks,

Ken

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**From:** Ev Crunden <[ecrunden@eenews.net](mailto:ecrunden@eenews.net)>  
**Sent:** Friday, January 8, 2021 12:56 PM  
**To:** Press <[Press@epa.gov](mailto:Press@epa.gov)>  
**Subject:** Possibility of nabbing Wright, Dunn for exit interviews?

Hello,

Happy new year! I wanted to reach out to the EPA press team because we're hoping to line up exit interviews with key figures as the administration winds down. On my end, I was wondering if Peter Wright or Alexandra Dunn might be available in the next two weeks to discuss their time at EPA, any major accomplishments and parting thoughts, etc?

I'm sure things are busy these days, so happy to work around their schedules. Let me know and many thanks!

Best,  
Ev

**E.A. (Ev) Crunden**

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